

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 963

Short Title: Share Arrest Warrant Status/JDIG. (Public)

Sponsors: Representatives Luebke, Holley, Harrison, and Foushee (Primary Sponsors).  
*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Rules, Calendar, and Operations of the House.

April 18, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO VERIFY WHETHER THE CHIEF EXECUTIVE OFFICER OR CHIEF FINANCIAL OFFICER OF AN APPLICANT FOR OR RECIPIENT OF A JOB DEVELOPMENT INVESTMENT GRANT (JDIG) IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, AND TO DENY JDIG GRANTS TO AN APPLICANT EITHER OF WHOSE CHIEF EXECUTIVE OFFICER OR CHIEF FINANCIAL OFFICER IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR.

The General Assembly of North Carolina enacts:

**SECTION 1.** Part 2G of Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-437.52A. Information sharing of outstanding arrest warrant of Chief Executive Officer or Chief Financial Officer applicant for or recipient of JDIG grant.**

(a) The Department of Commerce shall notify an applicant for a Job Development Investment Grant (JDIG) under this Part that release of confidential information from the applicant's records may not be protected if a warrant for arrest is issued against the Chief Executive Officer or Chief Financial Officer of the applicant. The Department of Commerce shall notify all recipients of a Job Development Investment Grant under this Part at the time of renewal of the recipient's Job Development Investment Grant that release of confidential information from the recipient's records may not be protected if a felony or misdemeanor arrest warrant is issued against the Chief Executive Officer or Chief Financial Officer of the recipient.

(b) The Department of Commerce shall verify whether the Chief Executive Officer or Chief Financial Officer of an applicant for or recipient of a Job Development Investment Grant is (i) fleeing to avoid prosecution, custody, or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or (ii) violating a condition of probation or parole imposed under federal or State law, by ensuring that the criminal history of the Chief Executive Officer or Chief Financial Officer of an applicant, or of a recipient at the time of grant renewal, is checked. The Department of Commerce shall conduct the criminal history check necessary to verify whether the Chief Executive Officer or Chief Financial Officer of an applicant is a fleeing felon or a probation or parole violator utilizing all currently accessible databases to the extent permitted by allocated State resources.



1       (c) Nothing in this section shall be construed to authorize the disclosure of any  
2 information otherwise protected by State or federal law or regulation.

3       (d) The Secretary of Commerce shall adopt rules regarding (i) the sharing of  
4 information between the Department and local law enforcement agencies, (ii) the accuracy of  
5 information shared pursuant to this section, and (iii) any other rules the Secretary deems  
6 necessary to implement this section.

7       (e) The Department of Commerce shall cooperate and collaborate with the Office of the  
8 State Controller, the Administrative Office of the Courts, and the Department of Public Safety  
9 to develop protocols to implement this section.

10       (f) Annually, on April 1, the Department of Commerce shall report to the General  
11 Assembly on the number of individuals who are denied benefits under this section during the  
12 preceding calendar year."

13       **SECTION 2.** Part 1 of Article 2 of Chapter 108A of the General Statutes is  
14 amended by adding the following new section to read:

15 **"§ 143B-437.52B Fleeing felon, or parole or probation violator; eligibility for JDIG grant.**

16       The Secretary of Commerce shall not approve a Job Development Investment Grant (JDIG)  
17 under this Part if the department receives information described in G.S. 143B-437.52A that the  
18 Chief Executive Officer or Chief Financial Officer of an applicant for or recipient of program  
19 assistance is subject to arrest under an outstanding warrant arising from a charge of violating  
20 conditions of parole or probation or from a felony charge against the Chief Executive Officer or  
21 Chief Financial Officer of the applicant or recipient in any jurisdiction. An applicant or  
22 recipient described in this section is eligible for a grant, if all other eligibility criteria of the law  
23 are met, when the Chief Executive Officer or Chief Financial Officer of the applicant or  
24 recipient is no longer subject to arrest under an outstanding warrant as described in this  
25 section."

26       **SECTION 3.** Part 2 of Article 4 of Chapter 114 of the General Statutes is amended  
27 by adding the following new section to read:

28 **"§ 114-19.34. Criminal record checks of applicants for or recipients of program**  
29 **assistance.**

30       The Department of Justice may provide to the Department of Commerce from the State and  
31 National Repositories of Criminal Histories the criminal history of the Chief Executive Officer  
32 or Chief Financial Officer person who applies for a Job Development Investment Grant under  
33 Part 2G of Article 10 of Chapter 143B of the General Statutes. The Department of Commerce  
34 shall provide to the Department of Justice, along with the request, a form signed by the Chief  
35 Executive Officer or Chief Financial Officer of the applicant or recipient acknowledging  
36 receipt of the notification required by G.S. 143B-427.52A and any identifying information  
37 required by the State and National Repositories of Criminal Histories and any additional  
38 information required by the Department of Justice. The applicant or recipient shall pay to the  
39 Department of Justice a fee of one hundred dollars (\$100.00) to process the request for the  
40 criminal history. Except as provided under G.S. 143B-427.52A, the Department of Commerce  
41 shall keep all information obtained pursuant to this section confidential."

42       **SECTION 4.** This act is effective when it becomes law.